

Senate Bill No. 398

Passed the Senate September 4, 2009

Secretary of the Senate

Passed the Assembly August 24, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 18691 of the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 398, Correa. Mobilehome parks: fire code enforcement.

Existing law requires that regulations adopted by the Department of Housing and Community Development governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks be applicable in all parks, except in a park within a city, county, or city and county that is an enforcement agency, as defined, and has adopted and is enforcing a fire prevention code imposing restrictions equal to, or greater than, the restrictions imposed by building standards published in the California Building Standards Code and the other state regulations adopted by the department. Existing law authorizes, notwithstanding these provisions, a city, county, city and county, or special district to enforce its fire prevention code in mobilehome parks relating to specified fire prevention code subject areas.

This bill would also exempt from department regulations a park within a special district or other entity that has been delegated fire code enforcement by the city, county, or city and county that is the enforcement agency, and the special district or entity is enforcing a fire prevention code in accordance with the Mobilehome Parks Act. The bill would make specified additions to the subject areas in which a city, county, city and county, or special district that is not the enforcement agency may enforce its fire prevention code in mobilehome parks.

The people of the State of California do enact as follows:

SECTION 1. Section 18691 of the Health and Safety Code is amended to read:

18691. (a) The department shall adopt rules and regulations that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property

against fire in parks. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section within permanent buildings. The department, in consultation with local firefighting agencies, shall adopt and implement no later than January 1, 2002, regulations that require regular maintenance and periodic inspection and testing of fire hydrants in mobilehome parks.

(b) The regulations adopted by the department shall be applicable in all parks, except in a park within either of the following areas:

(1) A city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and the other state regulations adopted by the department.

(2) A special district or other entity, organized solely to provide fire protection services and monitored and funded by a county or other public entity, which meets both of the following requirements:

(A) Has been delegated fire code enforcement by a city, county, or city and county that is the enforcement agency.

(B) Is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and other state regulations adopted by the department.

(c) Notwithstanding the provisions of this section, the rules and regulations adopted by the department relating to the installation of water supply and fire hydrant systems shall not apply within parks constructed, or approved for construction, prior to January 1, 1966.

(d) Notwithstanding the provisions of this section, a city, county, city and county, or special district that is not the enforcement agency under this part may enforce its fire prevention code in mobilehome parks relating to fire hydrant systems; water supply; fire equipment access; posting of fire equipment access; parking; lot identification; weed abatement; combustible brush and vegetation on a lot or common area that represents an imminent fire hazard; debris abatement; combustible storage abatement,

including flammable liquid storage; hazardous material storage and use; open flame or open burning; and burglar bars. Before assuming fire code enforcement in accordance with this subdivision, a city, county, city and county, or special district shall give the department a 30-day written notice. A city, county, city and county, or special district that enforces its fire prevention code pursuant to this subdivision shall apply its code provisions to conditions that arise after adoption of its fire prevention code, to conditions not legally in existence at the adoption of its fire prevention code, or to conditions that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

Approved _____, 2009

Governor